

## **REMARKS**

Claims 30-49 are pending in the present application. Claims 30 -39 are allowable and claims 40-49 are rejected. Claim 40 has been amended. Accordingly claims 30-49 remain pending in the present application.

Applicant appreciates and acknowledges the allowance of claims 30-39.

### **Claim Rejections – 35 USC § 112**

The Examiner states,

*Claims 40-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

*Independent claim 40 claims “A computer program product system for monitoring quality of service of play out of a digital video program, the system tangibly embodied on first and second computer-readable mediums, the computer product system comprising instructions”. From this, it is unclear whether the appellant is defining the product as a machine consisting of first and second computer-readable mediums or as the instructions describing appellant’s method for monitoring quality of service in a digital video program.*

## **ARGUMENTS**

### **Rejection under 35USC § 112**

Applicant has amended claim 40 to clearly recite a computer program product system that includes two computer readable mediums; a first computer readable medium including instructions for encoding; creating and transmitting the meta stream and a second computer

readable medium located at the play out device including instructions for computing statistics. Accordingly, Applicant respectfully submits that claims 40-49 are now clear and definite and the rejection under 35USC 112 has been overcome.

### **CONCLUSION**

Applicant submits that claims 30-39 are allowable. Furthermore applicant submits that the rejection of claims 40-49 have been overcome by the above identified amendments. Accordingly, Applicant respectfully requests reconsideration and allowance of claims 30-49 as now presented. Should any unresolved issues remain, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,  
SAWYER LAW GROUP, P.C.

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Date

/Joseph A. Sawyer, Jr./  
Joseph A. Sawyer, Jr.  
Attorney for Applicant(s)  
Reg. No. 30,801

**Customer Number 54891**  
Office: (650) 493-4540  
Fax: (650) 493-4549